



APPROVED MINUTES

SUNNYVALE PLANNING COMMISSION

The Planning Commission met in regular session in the Council Chambers, City of Sunnyvale, 456 W. Olive Avenue, Sunnyvale, CA on **September 26, 2005** at 8:00 p.m. with Chair Hungerford presiding over the meeting.

ROLL CALL

Members Present: Chair Charles Hungerford; Vice Chair James Fussell; Commissioner Laura Babcock; Commissioner Larry Klein; Commissioner Chris Moylan; Commissioner David Simons; and Commissioner Brandon Sulser

Members Absent: none

Staff Present: Trudi Ryan, Planning Officer; Joan Borger, Senior Assistant City Attorney; Gerri Caruso, Principal Planner; Leonard Dunn, Street Tree Program Manager; Troy Fujimoto, Associate Planner; Jamie McLeod, Associate Planner; and Deborah Gorman, Recording Secretary

SCHEDULED PRESENTATION

None

PUBLIC ANNOUNCEMENTS

None

CITIZENS TO BE HEARD

CONSENT CALENDAR

A. APPROVAL OF MINUTES of September 12, 2005

ACTION: Comm. Moylan made a motion to approve the minutes of September 12, 2005. Comm. Klein seconded. Motion carried 6-0-1, Vice Chair Fussell abstaining.
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B. 2005-0641 – Cingular Wireless [Applicant] Fairbrae Swim Club [Owner]: Application for related proposals on a 1.06-acre site located at **696 Sheraton Drive** (near Hollenbeck Ave) in an R-1 (Low-Density Residential) Zoning District. (Negative Declaration) (APN: 202-09-020) AM; (continued from September 12, 2005) **(Applicant requests continuance to November 14, 2005) Staff recommends continuance to November 14, with renoticing of neighbors.**

- **Use Permit** to allow a new 62-foot tree-pole with six panel antennas and related ground equipment, and
- **Variance** from SMC Section 19.54.040(p) to allow an 87-foot setback from the residential properties across Sheraton Drive where 124 feet is required.

ACTION: Vice Chair Fussell made a motion on item 2005-0641 to continue the item to November 14, 2005. Comm. Sulser seconded. Motion carried 6-0, Comm. Moylan not participating.

APPEAL OPTIONS: Item to be continued to the November 14, 2005 Planning Commission meeting.

C. 2004-0023/2005-0324 – Lockheed Missiles & Space Co. Inc. [Applicant/Owner]: Application for related proposals located at **1111 Lockheed Martin Way** (near 3rd Ave) in an MP-I/MP-TOD (Moffett Park Industrial/Moffett Park TOD) Zoning District. (APNs: 110-01-025, 110-01-031) AM; **(Applicant requests continuance to October 24, 2005) Staff recommends continuance to October 24, 2005.**

- **Tentative Map** on a 303.98 acre site to subdivide one lot into five lots, and
- **Variance** to allow five parcels without each lot frontage on a public street.

ACTION: Vice Chair Fussell made a motion on item 2004-0023/2005-0324 to continue the item to October 24, 2005. Comm. Klein seconded. Motion carried 6-0, Comm. Babcock not participating.

APPEAL OPTIONS: Item to be continued to the October 24, 2005 Planning Commission meeting.

PUBLIC HEARINGS/GENERAL BUSINESS

1. 2005-0717 - Appeal of a Decision by the Director of Community Development denying a Tree Removal Permit for a Canary Palm Tree. The property is located at **1115 Polk Avenue** (near Leota Ave) in an R-1 (Low-Density Residential) Zoning District. SD (APN: 161-26-031)

ACTION: Comm. Babcock made a motion on item 2005-0717 for Alternative 1, to deny the appeal and uphold the denial of the Tree Removal Permit. Comm. Simons seconded. Motion carried 5-2, Chair Hungerford and Comm. Moylan dissenting.

APPEAL OPTIONS: This item is not appealable.

2. **2005-0764** – Application for a Design Review on a 6,500 square-foot site to allow a one and a two-story addition to an existing home for a total of 2,977 square feet resulting in a 46% Floor Area Ratio where 45% may be allowed without Planning Commission review. The property is located at **535 South Frances Street** (near W Olive Av) in an R-0/HH (Low-Density Residential/Heritage Housing) Zoning District. (APN: 209-29-006) RK

ACTION: Comm. Simons made a motion on item 2005-0764 for Alternative 1, to approve the Design Review with attached conditions. Comm. Babcock seconded. Motion carried 6-0, Comm. Klein not participating.

APPEAL OPTIONS: This item is appealable to the City Council no later than October 11, 2005.

3. **2005-0556** – **430 Toyama LLC** [Appellant] **Ivy Chi Trustee** [Owner]: Appeal (reconsideration) of a decision by the Planning Commission based on revised landscaping data for related proposals on a 32,000 square-foot site located at **1038 Morse Avenue** (near Toyama Dr) as the second phase of a related development in an MS/ITR/R3/PD (Industrial & Service/ Industrial to Residential/Medium Density Residential/Planned Development) Zoning District (Negative Declaration) (APN: 110-14-085) JM;

- Special Development Permit to develop 17 townhomes, and
- Tentative Map to subdivide one lot into 17 lots and one common lot.

ACTION: Vice Chair Fussell made a motion on item 2005-0556, to approve the Special Development Permit and Tentative Map with Conditions as recommended by staff with a modification to allow 17 units; to add a Condition of Approval (COA) 10.E that “The applicant should consider incorporating a tasteful tile or other small accent detail into the wall for increased interest where landscaping does not provide adequate coverage”; to add the wording to COA C.1.e, “with consideration of native trees”; to eliminate the wording “Phase II” in COA A.20, so that the COA reads “Two (2) of the townhomes will be handicap accessible per the requirements of California State Senate Bill SB 1025”; to eliminate COA A.23 that reads, “Provide accessible walkways along the interior of the Phase II project, along the southern boundary of units 6, 15 and 18.” Chair Hungerford seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This item is appealable to the City Council no later than October 11, 2005.

4. **2005-0025 - City of Sunnyvale-Study Issue:** Community Rooms/Club Houses for Multi-Family Development. This study will consider whether multi-family residential developments should be required to provide community rooms. Amendments to Title 19 (Zoning) may be adopted as part of the study. (Negative Declaration) TF **(Also to City Council on October 4, 2005)**

ACTION: Comm. Simons made a motion on item 2005-0025, to introduce an ordinance to amend the Municipal Code to require community rooms/club houses for all multi-family residential developments with 100 or more units, with modifications: that condominium conversions be excluded unless there is an existing facility; community room structures cannot be used towards the open space requirement; that the ordinance provide that the requirement for community rooms/club houses can be waived by the approving body. Comm. Klein seconded. Motion carried 6-1, Vice Chair Fussell dissenting.

APPEAL OPTION: This item is to be heard by the City Council on October 4, 2005.

5. **Review of the Code of Ethics (Also to City Council on October 18, 2005)**

Trudi Ryan, Planning Officer, said the City Council asks that all Boards and Commissions annually review the Code of Ethics both as a reminder and as an opportunity to provide comment to Council for any changes.

The Commissioners acknowledge receipt of the Code of Ethics, but had no comments.

NON-AGENDA ITEMS AND COMMENTS

- **COMMISSIONERS ORAL COMMENTS**

Comm. Moylan commented that he will be absent from the October 10, 2005 Planning Commission meeting and requests this be one of his discretionary absences (excused).

- **STAFF ORAL COMMENTS**

City Council Meeting Report

Ms. Ryan said the Lakeside Specific Plan and development proposal was heard by the City Council at the September 13, 2005 meeting. The City Council had considerable discussion about the height and loss of trees, but approved the project with essentially the recommendation of the Planning Commission.

At the September 20, 2005 meeting, City Council approved an urgency ordinance to establish a moratorium on the submittal of applications and review of projects for places of assembly and recreational and amusement uses in specified zones. Staff is currently working on a related study issue and has asked the Council, as part of the moratorium, to broaden the issue to look at

other uses in industrial areas. If an extension is needed to the 45-day moratorium, it will tentatively go to Council on October 25, 2005 and may be extended up to 10 months. The study issue will tentatively be available for review by Planning Commission in February, 2006 and will go to City Council in March, 2006. The moratorium is effective immediately. Any application that was complete at the time the ordinance was passed can still be heard and considered.

There has also been an appeal of the church denial at 965 East Arques Avenue that was heard at the September 12, 2005 Planning Commission meeting.

Other Staff Oral Report

Ms. Ryan commented that the demolition of the parking deck near Washington Avenue at the downtown mall has begun. The plans are to provide a surface parking lot with lighting for use by Macy's patrons while further demolition continues.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer